

§ 166.43

(c) The pesticide use has been cancelled following a notice issued under section 6(b) of the Act;

(d) The pesticide contains a new chemical; or

(e) The application proposes the first food use of a pesticide.

§ 166.43 Notice to EPA and registrants or basic manufacturers.

(a) *Timing of notice.* (1) The State or Federal Agency issuing the crisis exemption must notify the Administrator in advance of utilization of the crisis provisions.

(2) The State or Federal agency issuing the crisis exemption shall notify the registrant(s) or, if appropriate, the basic manufacturer(s) of the pesticide(s) being used under the crisis exemption at the same time notice is given to EPA or as soon thereafter as possible.

(b) *Contents of notice.* Information required to be provided in notices shall include all of the following:

(1) The name of the product and active ingredient authorized for use, along with the common name and CAS number if available, including a copy of the EPA registered label and use directions appropriate to the authorized use;

(2) The site on which the pesticide is to be used or is being used;

(3) The use pattern;

(4) The date on which the pesticide use is to begin and the date when the use will end;

(5) An estimate of the level of residues of the pesticide expected to result from use under the crisis exemption;

(6) Earliest anticipated harvest date of the treated commodity;

(7) Description of the emergency situation; and

(8) Any other pertinent information available at the time.

[51 FR 1902, Jan. 15, 1986, as amended at 58 FR 34203, June 23, 1993; 71 FR 4512, Jan. 27, 2006]

§ 166.45 Duration of crisis exemption.

A crisis exemption may be authorized for:

(a) Only as long as is necessary to control the pest or conditions causing the emergency; and

40 CFR Ch. I (7–1–11 Edition)

(b) No longer than 15 days, unless an application requesting a specific, quarantine, or public health exemption for this use has been submitted to the Agency.

§ 166.49 Public notice of crisis exemptions.

(a) *Periodic notices.* At least quarterly, the Administrator shall issue a notice in the FEDERAL REGISTER announcing issuance of crisis exemptions. The notice shall contain all of the following:

(1) The name of the applicant;

(2) The pesticide authorized for use;

(3) The crop or site to be treated; and

(4) The name, address, and telephone number of a person in the Agency who can provide further information.

(b) *Annual reports.* Annually, the Agency shall issue a notice in the FEDERAL REGISTER that shall summarize:

(1) The number of crisis exemptions declared; and

(2) The number of crisis exemptions revoked.

[51 FR 1902, Jan. 15, 1986, as amended at 71 FR 4512, Jan. 27, 2006]

§ 166.50 Reporting and recordkeeping requirements for crisis exemption.

(a) *Adverse effects information.* Any adverse effects resulting from the use of a pesticide under a crisis exemption must be immediately reported to the Agency.

(b) *Final reports.* (1) A report summarizing the results of treatment under a crisis exemption will be required to be submitted to the Agency within 3 months following the last date of treatment. If a specific, quarantine, or public health exemption has been approved while the crisis exemption is in effect, however, the crisis exemption report may be incorporated into the specific, quarantine, or public health exemption final report required under § 166.32(b) and submitted at the time it is due.

(2) Information to be included in the crisis exemption report includes the same information as required in § 166.32(b) and an explanation as to why there was a need to utilize the crisis provisions.

Environmental Protection Agency

§ 167.3

(c) *Records.* Records will be maintained for a minimum of 2 years following the date of expiration of the exemption. On request by the Agency, these records shall be made available to the Administrator. Records will include all of the following:

- (1) Location where the pesticide was applied;
- (2) Dates of application (range); and
- (3) Total quantity of the pesticide used.

[51 FR 1902, Jan. 15, 1986, as amended at 58 FR 34203, June 23, 1993]

§ 166.53 EPA review of crisis exemption and revocation of authority.

(a) *Review.* When a crisis exemption is about to be or has already been declared by a State or Federal agency, EPA will undertake an expedited review of the pesticide to determine if use of the pesticide may result in such unreasonable health or environmental risks that the crisis authority should not be exercised or the crisis exemption should be revoked.

(b) *Revocation*—(1) *Individual crisis exemptions.* A crisis exemption for the use of a specific pesticide may be revoked if the Administrator determines that:

- (i) There are insufficient data to determine the risks posed from the use;
- (ii) Such action is necessary to protect man or the environment; or
- (iii) The State or Federal agency is not complying with the requirements of this subpart C.

(2) *State or Federal agency authority.* The Administrator may revoke the authority of a State or Federal agency to issue crisis exemptions for any pesticide if he determines that:

- (i) Such action is necessary to protect man or the environment; or
- (ii) The State or Federal agency is not complying with the requirements of this subpart C.

(c) *Reason for revocation.* The Agency shall provide the specific reasons for revoking an agency's authority to issue a crisis exemption and for revoking an issued crisis exemption.

PART 167—REGISTRATION OF PESTICIDE AND ACTIVE INGREDIENT PRODUCING ESTABLISHMENTS, SUBMISSION OF PESTICIDE REPORTS

Subpart A—General Provisions

Sec.

167.3 Definitions.

Subpart B—Registration Requirements

167.20 Establishments requiring registration.

Subparts C–D [Reserved]

Subpart E—Recordkeeping and Reporting Requirements

167.85 Reporting requirements.

167.90 Where to obtain and submit forms.

AUTHORITY: 7 U.S.C. 136 (e) and (w).

SOURCE: 53 FR 35058, Sept. 8, 1988; 54 FR 32638, Aug. 9, 1989, unless otherwise noted.

Subpart A—General Provisions

§ 167.3 Definitions.

Terms used in this part shall have the meanings set forth for such terms in the Federal Insecticide, Fungicide, and Rodenticide Act. In addition, when used in this part, the following terms shall have the meanings stated below:

Act means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*

Amount of pesticidal product means quantity, expressed in weight or volume of the product, and is to be reported in pounds for solid or semi-solid pesticides and active ingredients or gallons for liquid pesticides and active ingredients, or number of individual retail units for devices.

Current production [sales or distribution] means amount of planned production in the calendar year in which the pesticides report is submitted, including new pesticidal products not previously sold or distributed.

Custom blender means any establishment which provides the service of mixing pesticides to a customer's specifications, usually a pesticide(s)-fertilizer(s), pesticide-pesticide, or a pesticide-animal feed mixture, when: (1) The blend is prepared to the order of